

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GARY PERRY, #188623,

Plaintiff,

v.

CASE NO. 2:13-CV-11826  
HONORABLE DENISE PAGE HOOD

VELSICO CHEMICAL CORP., et al.,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION**

Before the Court is Plaintiff's motion for reconsideration concerning the Court's order denying his motion and application to proceed on appeal without prepayment of fees and costs, as well as the Court's dismissal of his 42 U.S.C. § 1983 civil rights complaint for failure to state a claim upon which relief may be granted. In dismissing the complaint, the Court concluded that an appeal could not be taken in good faith. In denying his motion and application to proceed on appeal without prepayment of fees and costs, the Court relied upon its earlier finding that an appeal could not be taken in good faith and concluded that Plaintiff had not shown reason for the Court to reconsider that decision.

Plaintiff's current request must be denied. A motion for reconsideration must be filed within 14 days after entry of the judgment or order. Local Rule 7.1(h)(1). The Court issued its order and judgment dismissing the civil rights complaint on May 31, 2013, and issued its order denying the motion and application to proceed on appeal without prepayment of costs

and fees on July 23, 2013. Plaintiff dated the proof of service for his reconsideration motion on August 26, 2013 – more than 14 days after both of the Court’s rulings. His request for reconsideration is therefore untimely and must be denied.

Moreover, a motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Plaintiff has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). The Court properly dismissed his complaint and denied leave to appeal without prepayment of fees and costs. Accordingly, the Court **DENIES** Plaintiff’s motion for reconsideration.

**IT IS SO ORDERED.**

S/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: September 20, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 20, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager